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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,567	01/13/2004	Haruyoshi Murayama	450100-04884	1757

7590 09/28/2007  
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EXAMINER
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REKSTAD, ERICK J

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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09/28/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/756,567

Applicant(s)

MURAYAMA, HARUYOSHI

Examiner

Erick Rekstad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

This is a First Office Action for Application no. 10/756,567 filed on January 13, 2004 wherein claims 1-10 are presented for examination.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-6, and 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,862,045 to Morimoto et al.

[claim 1]

As shown in Figure 2, Morimoto teaches an image information decoder which receives a plurality of coded image compression information and outputs the information as one image data, the apparatus comprising:

A dividing means (22) for dividing the plurality of image compression information (Col 8 Lines 20-23 and Lines 30-40). Note: the multiple separator section (22) of Morimoto divides the TS packets into the PES packets which are stated by Morimoto to be packets of frames (Col 8 Lines 20-23).

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A decoding means (246) for decoding each of the divided image compression information and extracting output time information (PTS) indicating a time when image data obtained by the decoding is to be outputted (Col 1 Line 49, Col 8 Lines 61-67).

A storage means (245, 248, 247) for storing the image data and output time information. Morimoto teaches the storage means (245) stores the image data and output time data before being decoded (Col 8 Lines 61-63). Morimoto further teaches storage means (248) stores the decoded image data while the time control section (247) stores the output time data (Col 8 Line 66-Col 9 Line 11).

A reference time information generating means (26 in Figure 1) for generating reference time information (Col 8 Lines 54-60).

An output image selecting means (247) for making a comparison between the reference time information and output time information and writing, to a storage means (249), selection information intended for selecting, as an extraction destination, an area where there is stored one, having an output time nearest to the reference time, of image data including earlier output time information than the reference time information (Col 9 Lines 5-17).

A displaying means (LCD 34 in Figure 1) for extracting image data according to the selection information recorded in the storage means and displaying the image data as one image data synchronously with the reference time (Col 1 Lines 45-54, Col 7 Lines 5-14, Col 9 Lines 15-17).

[claims 3 and 8]

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Morimoto further teaches the use of the apparatus with image compression information complying with the MPEG-4 standard (Col 6 Lines 22-25).

[claims 4 and 9]

As stated above in claim 1, Morimoto teaches the output time information is PTS (presentation time stamp) (Col 1 Line 49, Col 8 Lines 37-40).

[claims 5 and 10]

Morimoto teaches the additional use of an output time information for each frame (Col 8 Lines 41-53, Col 8 line 67-3, and Col 9 Line 10-12). This timing information would inherently be a reciprocal number of the number of frames received per unit time as it relates to the PTS of a PES packet of frames.

[claim 6]

Morimoto teaches a method for decoding image information using the apparatus of claim 1 (Col 8 Line 30-Col 9 Line 23).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morimoto as applied to claims 1 and 6 above, and further in view of US Patent 6,549,240 to Reitmeier.

[claims 2 and 7]

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As shown above for claims 1 and 6, Morimoto teaches the apparatus and method for decoding and displaying compressed image information (Col 8 Line 30-Col 9 Line 23, Figs 1 and 2). Morimoto is silent on the display means having a variable number of display image frames per unit time and varying the reference time information according to number of display image frames.

Reitmeier teaches an apparatus and system for adjusting timing information for displays with different frame rates (Col 6 Lines 35-41, Col 14 Lines 28-41, Tables 2-5, Fig. 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the frame rate conversion means of Reitmeier with the apparatus of Morimoto in order to avoid 3:2 pull down artifacts (Col 8 Lines 4-5).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erick Rekstad whose telephone number is 571-272-7338. The examiner can normally be reached on 8-5.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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